

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 1455 - SB 1847

January 24, 2014

SUMMARY OF BILL: Limits the defense to prosecution for sexual exploitation of a minor under Tenn. Code Ann. § 39-13-529(b)(4)(B) in cases where the material in question is sent to the defendant by the victim.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – \$45,200/Incarceration*

Assumptions:

- Under current law, it is a defense to sexual exploitation of a minor that the victim was between the ages of 15 and 18 and the defendant was no more than four years older than the victim.
- The bill would limit application of the defense in cases where the victim sent the material in question to the defendant, and the defendant distributes, publishes, transfers, sells, or disseminates the material or permits the material to be distributed, published, transferred, sold, or disseminated.
- Sexual exploitation of a minor is a Class B felony.
- According to the Department of Corrections, the bill will result in one additional Class B felony every three years.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will not affect the fiscal impact of this legislation.
- The average time served for a Class B felony is 5.60 years (2,045.4 days).
- A recidivism discount of 48.29 percent applies, but due to the low number of admissions added by this legislation, the recidivism discount does not impact the incarceration cost for the proposed legislation.
- According to the Department of Correction (DOC), the average operating cost per offender per day for calendar year 2014 is \$66.29.
- The annualized cost of one additional admission every three years is \$45,196.52 $[(\$66.29 \times 2,045.4 \text{ days}) / 3]$.
- According to the District Attorneys General Conference, the District Public Defenders Conference, and the Administrative Office of the Courts, any impact the bill might have on their caseloads can be accommodated within existing resources.

**Tennessee Code Annotated § 9-4-210 requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

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